

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BARBARA SCHULTZ,

Plaintiff,

AFFIDAVIT

-against-

MARTIN CHEN

17 CV 8917
(RWS) (GWG)

Defendants.
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STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

K. PAUL SCHULTZ, being duly sworn, deposes and says:

1. I am the husband of the plaintiff in the above-captioned action.
2. On December 4, 2016, I was the operator of a motor vehicle in which my wife was a passenger sitting in the front passenger seat.
3. At approximately 5:00 p.m., I stopped our vehicle in front of 350 Central Park West between West 94th Street and West 95th Street to drop my wife off at a relative's apartment. After dropping her off, I intended to park the car in either an open spot on a side street or in a parking garage.
4. At that location, Central Park West is a two-way road with two lanes for travel and a third lane for parking in both the northbound and southbound directions. In light of the fact that there were vehicles in the southbound parking lane in front of 350 Central Park West, I stopped our vehicle in the rightmost lane for southbound travel.
5. Knowing that I would be stopping in front of the building, I activated the blinking rear lights as I approached it to alert traffic that our vehicle would be stopping and that it would remain stopped.

6. I brought the vehicle to a stop in front of 350 Central Park West and did not turn off the blinking rear lights.

7. The vehicle remained in this position for approximately one to two minutes while my wife and I had a discussion concerning packages we had brought to our relative.

8. While our vehicle was stopped in traffic with the rear blinkers activated, it was struck in the rear by another vehicle, causing my wife to suffer physical injuries.

9. After the accident, the police arrived at the scene. I and the responding officers ascertained that the vehicle that struck ours was owned and operated by Martin Chen, the defendant herein.

WHEREFORE, I respectfully ask that this Court grant my wife's motion for summary judgment on the issue of liability and for such further and other relief as deemed just and proper.

Dated: New York, New York
December 13, 2017


K. PAUL SCHULTZ

Sworn to before me this
13 day of December, 2017



NOTARY PUBLIC

DAVID SCHULTZ
Notary Public, State of New York
No. 02SC6003437
Qualified in New York County
Commission Expires March 2, 2018